

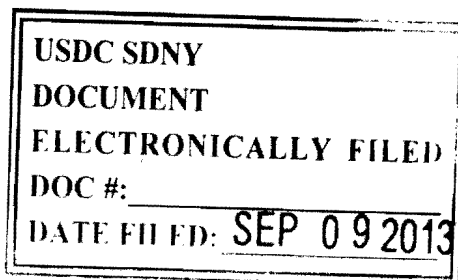
## Patterson Belknap Webb & Tyler LLP

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September 8, 2013

By Email

Honorable Katherine B. Forrest  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 730  
New York, New York 10007



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**Re: In re 650 Fifth Avenue and Related Properties,  
08 Civ. 10934 (KBF)**

Dear Judge Forrest:

We respectfully submit this letter on behalf of the Alavi Foundation (the "Foundation") and the 650 Fifth Avenue Company (the "Fifth Avenue Company" and, collectively, "Claimants") in response to the Government's September 6, 2013 letter motion for reconsideration of the Court's decision denying the Government's request to "claw back" the second of two documents at issue.

As explained in prior correspondence (*see, e.g.*, ECF 756) and at the September 4, 2013 conference, the second document referenced by the Government contains the *same* information as that contained in the first document, for which the Court has deemed any applicable privilege to have been waived, and many other documents produced by the Government in this litigation without an assertion of privilege. The relevant document is not privileged and, even if it were, any applicable privilege has been waived by the Government. Further, any work product claim as to this document is easily overcome by Claimants' compelling need for discovery. The Government's motion should be denied.

Respectfully submitted,

/s/ Daniel S. Ruzumna  
Daniel S. Ruzumna

cc: Counsel of Record